

SANTA CLARA AVENUE AND BROADWAY PROJECT DESCRIPTION

The subject site is a 1.29-acre residential property located at 2607-2619 Santa Clara Avenue and 1514-1518 Broadway, near the corner of Broadway and Santa Clara Avenue (the “Property”). Currently, the Property is comprised of one legal parcel containing twenty-two residential units within eleven buildings, including 5 single-family dwellings, 3 duplexes, 1 triplex, and 2 fourplexes. The Property further includes two tennis courts and a small basketball court located in middle of the block, behind the residential units.

The Property has a Medium Density Residential General Plan designation and is mostly within the R-5-PD General Residential-Planned Development zoning district and partly within the R-4-PD General Residential-Planned Development zoning district.

Previously, Applicant proposed subdividing the Property into fifteen individual parcels in order to get each of the eleven existing buildings on its own parcel and to redevelop the interior tennis court area of the Property into four additional parcels, each of which would be developed with a single-family home.

In response to feedback received from the Planning Board at its April 27, 2020 meeting, the proposed project has been redesigned to (i) eliminate the prominent drive aisle in the center of the redevelopment area that was previously necessitated by the garages and fire truck turnaround for the proposed four new homes, (ii) increase, consolidate, and improve the usability of the proposed open space, and (iii) propose nine new townhomes in two buildings rather than the previously proposed four market-rate single-family homes. As detailed further below, the Project will utilize a State Density Bonus to exceed the otherwise allowable density for the Property and to concede/waive out of certain development standards.

Accordingly, attached herewith are (i) revised Tentative Map materials reflecting the subdivision of the Property into twelve lots (down from 15), (ii) revised Development Plan materials for the existing buildings and the new townhome development to be constructed on new Lot 12 (the “Townhome Project”), and (iii) a density bonus application covering the combined project consisting of the Tentative Map, Development Plan, and Townhome Project (collectively, the “Project”).

Certain details are further summarized below.

Subdivision

The Property is now proposed to be subdivided into twelve lots, one lot for each of the existing eleven buildings plus one lot for the Townhome Project. The proposed lot lines for the existing buildings have been drawn to reflect or improve on existing conditions for such buildings and to match the lot patterns on the block. Rather than their current use as parking and drive aisles, the areas behind the five existing single-family homes will become private fenced backyards.

If eventually offered for sale, having the existing buildings on their own parcels will increase opportunities for single-family home and small investment property ownership within the City. Additionally, placing the Townhome Project on its own lot makes HOA structuring easier and allows the HOA to only apply to the new Townhome Project.

Open Space

One of the Planning Board’s primary concerns with the originally proposed Development Plan was the fragmented nature of the proposed open space. By switching to two townhome buildings, open space has been consolidated into two large areas, one large courtyard space between the two new townhome

buildings and a second larger open space nearer to Lot 11. The common open space nearest Lot 11 would include a children's play area and is intended for shared use with the existing multi-family buildings (Lots 1, 2, 3, 9, 10, and 11). The exact programming of the common open space areas would occur as part of a subsequent Design Review application.

Maintenance of the proposed common open space would be handled by the HOA for the new townhomes.

The Townhome Project residents would also benefit from over 2,000 square feet of private open in the form of rear and side yards.

Parking and Access

Currently, almost all the Property outside of the existing building footprints is paved and consists primarily of drive aisles, parking, and the existing tennis courts. As mentioned above, parking and drive aisles will be reconfigured to allow for fenced backyards for each of the five single-family homes and to the extent possible, to locate parking spaces entirely or partially on the underlying benefitfitted parcel. Easements and no-build covenants will be provided where necessary for drive aisles and parking.

The Planning Board also previously expressed concern regarding pedestrian access along the drive aisle from Broadway to the redeveloped tennis court area. Such drive aisle has been redesigned to provide demarcated pedestrian access (via a change in pavement materials versus the vehicular access) while at the same time meeting emergency vehicle access requirements and continuing to provide two-way vehicular access.

Under the Property's planned development zoning, there is no objective minimum parking requirement for the planned development.¹ The proposed Development Plan, however, specifies a minimum of 33 required parking spaces for the 31 residential units covered under the Development Plan.² Fifteen (15) spaces will be located on the new separate parcels for the existing buildings and eighteen (18) spaces will be required on the new separate parcel for the Townhome Project. Of the eighteen (18) spaces required on the Townhome Project parcel, one will be an ADA-compliant surface space and the balance will be located in a parking lift structure. Such structure will accommodate a mechanical parking lift system that is four cars wide, two cars deep, and up to three cars high, providing between 17 and 20 spaces.³ Seven (7) of the parking lift spaces can be made available to neighboring parcels (including, without limitation, the new Lots 2, 3, and 11) via one or more separate parking agreements.

The Townhome Project also includes fourteen (14) long-term bike spaces within an enclosed storage room and six (6) short-term exterior bike racks.

Design

Renderings and example photos of the Townhome Project and proposed on-site open spaces have been included in Development Plan submittals for conceptual purposes only. Actual design details (beyond the siting and massing details provided for in the Development Plan), and exact open space amenities and programming will be the subject of a separate Design Review application to be submitted at a future date.

¹ Alameda Municipal Code § 30-4.13(e)(3) specifically exempts planned developments from regulations applicable to off-street parking.

² There are currently 22 parking spaces for the existing 22 units.

³ Though the Development Plan requires 17 spaces in the parking lift structure, as many as 20 spaces may be provided therein.

EXHIBIT A
TO PROJECT DESCRIPTION

DENSITY BONUS APPLICATION

The proposed Project will include the 22 existing units plus the 9 new units in the Townhome Project, for a total of 31 units. Two of the units, one in each of the buildings on Lots 9 and 11, will be deed restricted as affordable to very low income households.¹

Pursuant to Government Code Section 65915 and Alameda Municipal Code (“AMC”) Chapter 30-17, and as more fully outlined below, because more than 5% of the “base density” units will be affordable to very low income households, the Project is entitled to a density bonus, a certain number of incentives or concessions, and the waiver of any development standard that would have the effect of “physically precluding construction” of the Project. (See Gov. Code § 65915(b)(1)). The above project description and the other documents and materials included with the project application, including, without limitation, those items identified in AMC § 30-17.4(b)(2)-(5) are hereby incorporated by reference.

Base Density and Bonus

The Project site consists of approximately 56,192 square feet (1.29 acres) of land and its R-5/R-4-PD zoning requires a minimum of 2,000 square feet of land per dwelling unit resulting in a base project density of 28.09 units, which would be rounded down to 28 units in the absence of a density bonus. By making 2 (approximately 7%) of such 28 “base units” affordable to very low income households, the Project is entitled to round such 28.09 “base units” up to 29 units and to take an additional 25% density bonus thereon, resulting in 36.25 units, which is then rounded up for a total of 37 allowable units. (See Gov. Code §§ 65915(b)(1), (65915(f)(4), and 65915(q)). The Project, however, does not utilize all such allowable density, instead adding only 9 new units to the existing 22 units, for a total of 31 units.

Concessions and Incentives

In addition to increasing the Project’s density, State Density Bonus Law affords qualifying projects certain incentives or concessions in order to make it easier to construct and help provide for the costs of affordable housing. The Project qualifies for one incentive or concession because more than 5% of the “base density” units will be affordable to very low income households. (Gov. Code §§ 65915(d)(2)(A)). Accordingly, we request the following concession:

1. **Universal Design.** Waive the universal design requirement under AMC § 30-18.4(b). Due to site and cost constraints, each unit in the Townhome Project is designed with the same footprint and floor plan. Designing three of the new units to comply with the universal design requirement under AMC § 30-18.4(b) would both increase project design and construction costs as well as adversely impact marketability, as fitting a universally designed bathroom, bedroom, kitchen, and living space all within the ground floor footprint of three of the units would result in very small kitchen and living spaces that would not be desirable in a three-story townhome. Accordingly, waiver of such requirement results in significant cost reductions to provide for affordable housing costs in that (i) additional design costs do not have to be incurred for an additional unit type, (ii) savings are realized by construction remaining uniform across all units,

¹ Such units also satisfy the City’s inclusionary housing requirement with respect to the new construction units.

and (iii) higher sales prices may be charged by maintaining larger more desirable kitchens and family rooms.

Under State Density Bonus law (Gov. Code § 65915(d)), the City must grant the concession requested by the applicant unless the City makes written findings based upon substantial evidence that the incentive or concession does not result in identifiable and actual cost reductions; would have a specific adverse impact on public health and safety or the physical environment; or would violate state or federal law. Pursuant to Gov. Code § 65915(d)(4), the City's bears burden of proof for denial of a requested concession. The requested concession, however, results in identifiable and actual cost reductions to provide for affordable housing costs and the development standard does not impact public health or safety nor is it required by state or federal law.

Waivers and Modifications

Pursuant to Gov. Code § 65915(e), the City must waive any development standard that would have the effect of "physically precluding" the Project at the permitted density or with the permitted concession. Accordingly, we request the following development standard waivers:

1. Prohibition Against Multiple Dwelling Units. Waiver of any development standard limiting the number of dwelling units in a building or lot, including, without limitation, Article XXVI of the Alameda City Charter and AMC § 30-50 through 30-53.4.
2. Open Space Requirements. Waiver of minimum open space requirements (AMC § 30-4.5(d)(10) and, as applicable § 30-4.4(d)(10)) to the extent not satisfied as proposed. In particular, we request waiver of the prohibition in § 30-5.12(b) against private open space being located within five (5') feet of a side lot line or ten (10') feet of a rear lot line; with these location restrictions waived, the Development Plan provides aggregate common and private open space of 6,778 square feet, exceeding the required 6,400 square feet (see Development Plan sheet PD 3).
3. Minimum Parking. Waiver of a minimum parking requirement under § 30-7.6 to the extent the City contends that such requirement applies to a planned development.
4. Lot sizes and Setbacks. To the extent the City contends that such requirements apply to a planned development, waiver of the following:
 - Lot area requirements (5,000 sf lot minimum and 2,000 sf of lot area per dwelling unit) under Section 26-3 of the Alameda City Charter and AMC § 30-4.4(d)(1) and § 30.4.5 (d)(1);
 - Lot width and setback requirements under §§ 30-4.4 (d)(2), (5), (6), and (7) and 30.4.5 (d),(2), (5), (6), and (7).
5. Any Other Conflicting Standards. Waiver of any other development standard not specifically identified herein that would have the effect of physically precluding the construction of the Townhome Project.

Enforcement of the above-referenced development standards would physically preclude construction of the Project at the permitted density and with the requested concession. Enforcement of open space requirements and the prohibition against multiple dwelling units would physically preclude the Project, including the density bonus units, in that three of the existing buildings constitute multi-family buildings and the permitted additional units, together with the required open space, could not physically fit on the Property without constructing new buildings of more than two units. Additionally, to the extent the City contends that a minimum requirement of two parking spaces per unit applies to the planned development, such development standard would physically preclude construction of the allowed

additional units in that the planned development could not physically or financially accommodate both the Townhome Project and sixty-two (62) parking spaces (two spaces for each of the 31 units within the planned development). Similarly, to the extent the City contends that lot area, width, and setback requirements apply to the planned development, such development standards would also physically preclude the Project in that parcels for each existing building plus the new Townhome Project cannot be physically created in a manner that conforms with such requirements; with respect to the existing buildings in particular, the setbacks and lot sizes are reflective of existing non-conforming conditions.

Accordingly, the City cannot apply such development standards unless waiver thereof would (i) have a specific adverse impact on public health and safety or the physical environment; (ii) have an adverse impact on a registered historic property; or (iii) violate state or federal law. The development standards to be waived do not, however, impact public health or safety, result in a violation of state or federal law, or adversely impact a registered historic property. Elimination of the prohibition against multiple dwelling units is also a common density bonus waiver in the City and is an expressly permitted waiver pursuant to AMC § 30-17.12(b).